



Patent
Attorney Docket No. 11056US11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Peter Elsbach
Jerrold Weiss

Serial No.: 10/716,389

Filed: November 18, 2003

For: BIOLOGICALLY ACTIVE
BACTERICIDAL/
PERMEABILITY-
INCREASING PROTEIN
FRAGMENTS

Examiner: Jennifer E. Graser

Group Art Unit: 1645

Conf. No.: 6372

Customer No. 23446

Express Mail No. EV 639809271 US

Date of Mailing: September 26, 2005

**AMENDMENT AND RESPONSE TO
OFFICE ACTION MAILED MARCH 25, 2005**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed March 25, 2005 in the above-identified application. In the Office Action, claims 10-15 were rejected under 35 U.S.C. §112, first and second paragraphs and for obviousness-type double patenting.

This response is timely filed, as the Office Action dated March 25, 2005, allowed three months for response, and a Petition for a Three Month Extension of Time, with the required fee, is submitted with this response, making the response

due on Monday, September 26, 2005. Reconsideration and withdrawal of the rejections are respectfully requested in light of the following amendment and remarks.

Amendments to the Title are on page 3 of this paper.

Amendments to the Specification begin on page 4 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 6 of this paper.

Remarks begin on page 8 of this paper.

Amendments to the Title

Please amend the title so as to read:

DNA ENCODING BIOLOGICALLY ACTIVE
BACTERICIDAL/PERMEABILITY-INCREASING PROTEINS FRAGMENTS